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JERRY NEHL BOYLAN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY NEHL BOYLAN,

Defendant.

Case No. 2:22-CR-00482-GW

***EX PARTE* APPLICATION TO FILE
DOCUMENT *UNDER SEAL*;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION
OF COUNSEL**

Jerry Nehl Boylan, by and through the undersigned, applies to this Court for an order that Defendant's *Ex Parte* Application to Extend Defendant's Surrender Date by Four Weeks from July 11, 2024 to August 8, 2024 be filed *under seal*.

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1 This application is based upon the attached memorandum of points and
2 authorities and the declaration of counsel. The government opposes the request.

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4 Respectfully submitted,

5 CUAUHTEMOC ORTEGA
6 Federal Public Defender

7 DATED: June 10, 2024

By /s/ Gabriela Rivera

8 GABRIELA RIVERA
9 JULIA DEIXLER
 Deputy Federal Public Defenders
 Attorneys for JERRY NEHL BOYLAN

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Mr. Boylan seeks to file, *under seal*, Defendant's *Ex Parte* Application to Extend Defendant's Surrender Date by Four Weeks from July 11, 2024 to August 8, 2024 for Medical Reasons. The reason for this application is that the application contains almost exclusively sensitive confidential medical information and thus information of a deeply personal nature. The Court previously permitted Mr. Boylan to file under seal similar medical and private information. (Dkt. 430, 439.)

II. LEGAL ARGUMENT

A. The Court May Seal Its Records To Protect A Party's Interests

A court has supervisory powers over its records and files to seal documents under appropriate circumstances. *See United States v. Mann*, 829 F.2d 849, 853 (9th Cir. 1987); *In re Sealed Affidavit(s) to Search Warrants*, 600 F.2d 1256, 1257 (9th Cir. 1979). Under Local Rule 79-5 of the District Court for the Central District, a party may request the court to seal a document filed with the court.

Although there is a strong presumption of public access to court records, a party desiring to seal a document filed with the court may overcome this presumption by presenting facts known to the court which demonstrate a likelihood of improper use of the material, such as for scandalous or libelous purposes or that its use will infringe upon fair trial or privacy rights. *Valley Broadcasting Co. v. United States Dist. Ct.*, 798 F.2d 1289, 1294 (9th Cir. 1986); *see Hagestad v. Tragesser*, 49 F.3d 1430, 1434 (9th Cir. 1995). A court is to balance the likelihood of improper use with the public's interest in understanding the judicial process to determine whether the presumption of access is overcome. *Valley Broadcasting Co.*, 798 F.2d at 1294. In making its decision, the court must consider all the relevant factors and "base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture." *Hagestad*, 49 F.3d at 1434.

1 **B. Application**

2 Defendant Jerry Boylan's *Ex Parte* Application to Extend Defendant's Surrender
3 Date by Four Weeks from July 11, 2024 to August 8, 2024 contains sensitive
4 confidential medical information and, accordingly, information of deeply personal
5 nature regarding Mr. Boylan's health. Information regarding the details of Mr.
6 Boylan's health is of little public interest. Thus, these circumstances support placing
7 the application *under seal* given the sensitive material it contains and discusses.

8 **III. CONCLUSION**

9 Mr. Boylan requests that this Court grant his application to file *under seal*
10 Defendant Jerry Boylan's *Ex Parte* Application to Extend Defendant's Surrender Date
11 by Four Weeks from July 11, 2024 to August 8, 2024. Should this Court deny his
12 application, Mr. Boylan requests that this Court order the clerk to return the document
13 to counsel for Mr. Boylan.

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15 Respectfully submitted,

16 CUAUHTEMOC ORTEGA
17 Federal Public Defender

18 DATED: June 10, 2024

19 By /s/ Gabriela Rivera

20 GABRIELA RIVERA
21 JULIA DEIXLER
22 Deputy Federal Public Defenders
23 Attorneys for JERRY NEHL BOYLAN
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DECLARATION OF COUNSEL

I, Gabriela Rivera, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California assigned to represent Jerry Nehl Boylan in the above-titled action.

2. Mr. Boylan seeks sealing of his *Ex Parte* Application to Extend Defendant's Surrender Date by Four Weeks from July 11, 2024 to August 8, 2024 for Medical Reasons because these filings contain sensitive confidential medical information and information of a deeply personal nature, as discussed above. Mr. Boylan retains a strong privacy interest in this information that substantially outweighs the public's interest in public docketing.

3. On June 9 and June 10, 2024, I communicated with AUSA Mark Williams regarding the instant request. AUSA Williams informed me that the government opposes this request.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

DATED: June 10, 2024

By /s/ Gabriela Rivera

GABRIELA RIVERA